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LA Times
Former jail
official tells
of brutality

[Jail, from AA1]
commander, also blamed the captain for many of the lockup's woes. And last year, Cruz was relieved of duty as internal investigators probe his tenure at the helm of the downtown Los Angeles jail.

Bornman described multiple instances in which Cruz resisted cracking down on deputies' misconduct. In one case, he described a roomful of supervisors watching footage of deputies beating an inmate. The video showed one jailer casually leaning against a door frame, occasionally landing knee drops into the prisoner's torso.

Despite the clear excessive force by the deputies, Bornman said Cruz turned to the other jail supervisors and said "I see nothing wrong with that use of force."

In another instance, Bornman said, deputies got into a brawl with patrons at BJ's Restaurant and Brewhouse in West Covina. In the ensuing investigation, it became obvious that some deputies weren't being honest about which of their colleagues were involved. When Bornman took that concern to Cruz, he said Cruz told him "Don't look too hard."

Bornman said Cruz's managing style, in part, led to dozens of force and misconduct cases not being properly investigated or processed.

Bornman and Capt. Patrick Maxwell, who also testified, said the department's problems went all the way to the top. Maxwell, who heads the sheriff's Norwalk station, said Paul Tanaka, currently the department's second in command, was disdainful of internal affairs investigators, who are responsible for probing misconduct. According to Maxwell, Tanaka said at a meeting: "Do you believe LAPD, they have 200 and some [internal affairs] investigators and we have 45. In my opinion, that's 44 too many."

Maxwell said Tanaka told supervisors at another meeting that they needed to "allow deputies to work in the gray area" — a comment the captain suggested could have been interpreted to mean deputies were allowed to violate policy or the law while policing.

'What do I always tell you guys? ... That's right. Not in the face.'

— CAPT. DANIEL CRUZ,
as described in testimony about
the beating of inmates at the
Men's Central Jail

Maxwell's testimony was bolstered by a 2007 memo written by another station captain who alleged that Tanaka made a similar comment at another staff meeting. According to then-Capt. Steven Roller, Tanaka said deputies need to be aggressive with gang members and "function right on the edge of the line."

According to the memo, Tanaka threatened to take action against the captains who were most often seeking to discipline deputies.

Maxwell also recounted an instance in which he got a call from another sheriff's employee who was soliciting donations for Tanaka's mayoral campaign in the city of Gardena, informing Maxwell that captains were "expected" to give \$250. Both Sheriff Lee Baca and Tanaka have collected tens of thousands of dollars from department employees in political contributions, a practice that critics say creates a conflict of interest.

Baca and Tanaka declined to comment, through sheriff's spokesman Steve Whitmore. Whitmore said neither has ever required employees to donate to their political campaigns. He also denied that Tanaka would ever encourage deputies to violate policy or the law, or target those who want to investigate misconduct. "The sheriff would never allow that," Whitmore said.

Five commanders assigned last year by Baca to reform the jails also testified.

Two of them warned commissioners that those testifying may be presenting a biased picture.

"You are seeing one side. Unfortunately there's not a cross-examination," Cmdr. Christy Guyovich said.

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Sat 7-7-12 LA Times

Former jail official tells of brutality

Capt. Daniel Cruz allegedly fostered an atmosphere of violence at the sheriff's facility.

BY ROBERT FATURECO AND JACK LEONARD

The Los Angeles County sheriff's captain who ran Men's Central Jail fostered a culture of brutality by protecting dishonest deputies and permitting his underlings to use excessive force on inmates, his former tenant alleged in testimony Friday.

Capt. Daniel Cruz joked at the department's annual Christmas party about hitting inmates, according to Michael Bornman, who is now a department captain. While talking to deputies at the jail, Cruz allegedly asked, "What do I always tell you guys?"

In unison, Bornman and the jail deputies — many of whom were laughing — responded "Not in the face." "That's right," Cruz replied, according to Bornman. "Not in the face." Bornman said the slogan was an instruction to strike in on parts of the body where their blows wouldn't leave marks.

Bornman testified Friday before the county commission created to address allegations of brutality inside the sheriff's jail. He told the commission as a result of Cruz's 2009 testimony, he avoided the department's Christmas party the next year. At that time, violence broke out among deputies, including one who had allegedly formed a gang-like jailer clique.

"I could've prevented what happened there,"

Bornman said.

Bornman's testimony, along with that of another department captain, painted a picture of a dysfunctional department whose supervisors are reluctant to address deputies' misconduct and are sometimes antagonistic toward those who do.

Cruz did not return calls to his home for comment. Bornman is not the only sheriff's official to criticize Cruz's management. Cruz's former boss, now a retired [See Jail, AA5]

WFO 7-11-12 LA Times

Dysfunction at the jails

IT'S NO SECRET THAT the Los Angeles County jails are a mess. The FBI is looking into excessive use of force by sheriff's deputies. Internal affairs is investigating allegations that deputies formed a gang-like clique whose members wore skeleton tattoos. Testimony before the county's new jails commission has painted a picture of a dysfunctional department and a seemingly out of touch Sheriff Lee Baca.

Now it is becoming increasingly clear that this isn't just a story of sporadic cruelty and violence but of a department that is institutionally unable — or worse, unwilling — to track and discipline those who engage in such misconduct.

Last week, Capt. Michael Bornman testified that shortly after he was assigned to the jails in 2009, he discovered stacks of incomplete use-of-force reports along with a huge backlog of administrative investigations into deputy misconduct. In some cases, those reports had languished for at least three years, often incomplete or missing key pages, making it nearly impossible to discipline deputies. Information that is supposed to be used to identify and track problem deputies was either never entered into the Personnel Performance Index or only incomplete records were logged.

It's not clear why the records went missing. But Bornman and another high-ranking official testified that supervisors in the jails were encouraged not to take allegations of misconduct too seriously. In one instance, the captain in charge of Men's Central Jail joked with deputies about hitting inmates but avoiding their faces, according to Bornman. In another case, the department's second in command, Paul Tanaka, allegedly encouraged supervisors to allow deputies to work "in the gray area," according to Capt. Patrick Maxwell. It's not completely clear what that means, but it seems to suggest that they might be permitted to break the law or the rules while doing their jobs.

On Tuesday, the American Civil Liberties Union sued the department, alleging that it routinely fails to provide information on deputy misconduct and prior uses of force to inmates who request it. Such information can be vital to inmates challenging the credibility of a deputy. Baca says these are old problems and that they have been corrected. But there are lots of indications that even after 2009, the use of force continued, just business as usual. We'd like to see some evidence that Tanaka and the supervisors are cracking down on those deputies who fail to play by the rules.

County hides evidence, suit alleges

WED - 11-12 LATimes

BY JACK LEON

Los Angeles prosecutors allege that Sheriff's Department officials have concealed complaints about law enforcement and other incidents from criminal cases in a lawsuit filed Tuesday by civil rights attorneys.

County Sheriff's Department officials have concealed complaints about law enforcement and other incidents from criminal cases in a lawsuit filed Tuesday by civil rights attorneys.

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At a news conference announcing the suit, a lawyer with the American Civil Liberties Union of Southern California blasted the Sheriff's Department and district attorney's office for following policies he said played "fast and loose with evidence of innocence of those prosecuted."

The lawsuit cited several

cases in which authorities allegedly failed to disclose information about misconduct complaints filed by inmates against deputies who were to be witnesses in criminal cases. Attorneys behind the lawsuit claimed that similar evidence might have been kept hidden in far more cases — possibly thousands — over the last decade.

"In Los Angeles County,

we have a system of injustice for all criminal defendants," Mark Rosenbaum, chief counsel for the local ACLU, told reporters.

The Sheriff's Department and district attorney's office denied the allegations, saying the lawsuit mischaracterized how they decide what evidence is turned over.

[See Evidence, AA2]

Baca reclaims political badges

The sheriff's recall of about 200 of the insignia worn out to local officials follows

BY ROBERT MATURECHI AND JEFFREY TITLIEB

The Los Angeles County Sheriff's Department, which has faced criticism for handing out of law enforcement credentials to law enforcement officials with no law enforcement duties, is recalling about 200 badges the department gave to local politicians, according to documents and interviews.

Sheriff

Baca's deci-



IN CONJUNCTION WITH the arrests of three officials in Cudahy, this photo of a woman wearing a councilman's badge at a nightclub there was released.

sion to recall the badges comes two weeks after the FBI arrested three city officials in Cudahy on bribery charges. In support of the

charges, the U.S. attorney's office released a photo of a smiling young woman in a Cudahy nightclub, brandishing two handguns and

wearing a councilman's badge on her chest.

One command-level sheriff's official briefed on the badge recall said the move was prompted by the revelation in Cudahy. Sheriff's spokesman Steve Whitmore, however, said that the timing was a coincidence and that a 2007 state attorney general's warning prompted the call to return the badges.

Asked why it took more than four years for the Sheriff's Department to take action on the attorney general's legal opinion, Whitmore replied, "That's a good question."

The emergence of the Cudahy photo is the latest in a series of incidents in which

[See Sheriff, A11]

Sat - 12 Daily Breeze

County wins child-removal case

By The Associated Press

Welfare officials say they took children from parents who negligently caused the death of a son or daughter, and placed them in foster care, even if there was no criminal harm, the California Supreme Court ruled.

The court said that a "breach with fatal result" is enough reason for child welfare to act because it is a concern for the safety of siblings, the Los Angeles Times reported.

When a parent's or guardian's negligence has led to the tragedy of a child's death, the dependency court should have the power to intervene," Justice Marvin R. Baxter wrote for the court.

"It's a big case for us, and it is a big case for the child welfare community," said Assistant County Counsel James M. Owens, who represented the Los Angeles County Department of Children and Family Services.

The case involved the 2009 death of an 18-month-old girl in South Los Angeles. Her father was driving her to a hospital after she fell off a bed and hurt her arm, according to court documents.

The baby was sitting on her aunt's lap when another car ran a stop sign and hit their vehicle. Social workers later found signs of neglect at the home and placed the girl's two young brothers in foster care for more than a year.

The father, identified in court papers only as William C., got them back after taking parenting courses, but he challenged the county's action.

His attorney, Christopher Blake, said the court's ruling was too broad.

"It will make it too easy for children to be removed from their parents when their parents make a tragic mistake," he said.

Thurs 7-10-12 LA Times

Jailhouse captain speaks publicly on allegations

[Jail, from AA1]

tions against him, citing the ongoing investigation of his tenure, but he accused his critics of wanting "to be in the limelight."

Cruz said he has not been interviewed by department investigators, even though he's been on leave since November. He said he might like to speak to the commission created by the county Board of Supervisors to examine allegations of abuse.

"I accept responsibility for anything I've done wrong," Cruz said. "I should get commended for the things I have done right."

Bornman testified that in several instances, Cruz allowed misconduct to go unchecked. In one case, Bornman described a roomful of supervisors watching footage of deputies beating an inmate. The video showed

one jailer casually leaning against a door frame, occasionally landing knee drops into the prisoner's torso. Despite excessive force by the deputies, Bornman said, Cruz turned to the other jail supervisors and said: "I see nothing wrong with that use of force."

In another instance, Bornman said, deputies got into a brawl with patrons at BJ's Restaurant and Brewhouse in West Covina. In the ensuing investigation, it became obvious that some deputies weren't being honest about which of their colleagues were involved. When Bornman took that concern to Cruz, he said, Cruz told him, "Don't look too hard."

Internal memos found that Cruz's jailers crafted narratives "dramatized to justify" force. Authorities concluded that some confrontations with inmates were triggered by deputies who thought inmates had acted disrespectfully to them — showing "contempt of cop." Other documents showed that the department had some of its least experienced deputies guarding its most dangerous inmates on the third floor of the Men's Central Jail, a practice that the memo linked to more frequent clashes on the floor than in any other part of the jail.

Cruz said he's looking forward to telling his side of the story and getting back to work.

"I'm a guy who's been working since he's 14," he said. "I'm a guy who likes to work."

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JAILER DENIES ROLE IN INMATE ABUSE

Thurs 7-10-12

Sheriff's captain placed on leave says his critics want 'to in the limelight.'

By ROBERT FATURECI

A Los Angeles County Sheriff's Department captain accused of protesting brutal and dishonest deputies has spoken publicly for the first time, saying the allegations are untrue.

"I'm just shaking my head at some of these statements," said Daniel Cruz, who was placed on leave last year as allegations of an inside Men's Central Jail clique mounted. "I'm just sitting here waiting for my turn."

During Cruz's testimony, the sheriff's brass expressed concern in internal memos about inexperienced jailers and excessive force against inmates. Most notably, the memos said an aggressive, gang-like clique of deputies existed on the jail's second floor. Some members of the clique brawled with jailers and deputies at a department Christmas party in 2010.

Last week, the allegations against Cruz grew as one of his former lieutenants, Michael Bornman, testified before a county commission that Cruz resisted rooting out jailer misconduct and allowed investigations to languish. Bornman, now a captain, counted one instance in which he said Cruz joked with a department party about hitting inmates.

Speaking to The Times, Cruz said "a lot of that can be easily proven to be untrue." Cruz declined to discuss the specific allegations.

[See Jail, A

WEDNESDAY, JULY 11, 2012

Bruze

ACLU: L.A. jail brutality hidden

By Fred Shuster
City News Service

Sheriff Lee Baca and District Attorney Steve Cooley condoned a longstanding secret program to hide evidence of brutality by deputies against inmates in Los Angeles County jails by bringing assault charges against the victims, the ACLU alleges in a civil rights lawsuit filed Tuesday.

The complaint, filed in Los Angeles Superior Court on behalf of local defense attorney Jeffrey Douglas, contends that abused inmates are regularly charged for assault on any deputy involved in a use-of-force investigation.

The charges serve to cover up deputy misconduct because the threat of serious jail time frequently results in plea bargains, which insulate the county and individual deputies from potential civil liability and protects the deputies from disciplinary or criminal proceedings for their abuse, according to the American Civil Liberties Union of Southern California.

Reports by advocacy groups, jail monitors and media outlets have documented alleged instances of deputy-on-inmate violence in the Los Angeles County jail system.

"For any justice system to merit that name, the first principle must be that those who are charged with enforcing the law themselves obey it," said plaintiffs attorney Benjamin Gluck. "By this lawsuit, we seek nothing more but will accept nothing less."

Baca spokesman Steve Whitmore said the sheriff had not yet reviewed the complaint, but that it appears to "inappropriately" place blame on the wrong people.

"We've done nothing wrong," Whitmore said. "From what we hear, it appears to be a gross mischaracterization and inappropriately lays blame. We look forward to answering these allegations."

The lawsuit identifies what the ACLU alleges are examples of where the District Attorney's Office and Sheriff's Department suppressed evidence, which was later uncovered by Douglas, resulting in either dismissal of charges or acquittal at trial.

The ACLU/SC said it had also filed a complaint with the State Bar against Cooley, demanding the appointment of an independent counsel with sufficient staff to review all cases that have resulted in guilty verdicts or pleas since the program was allegedly adopted. The plaintiffs are also seeking a civil grand jury investigation.

Cooley, who did not seek reelection and is finishing out his final term, called the lawsuit "a blatant attempt to mislead the public and the court."

7/25/02 THURSDAY JUL 25, 2002

LA Times

L.A. County
accused of
hiding key
evidence

[Evidence, from AA1]

"The lawsuit ... is a blatant attempt to mislead the public and the court," Dist. Atty. Steve Cooley said in a statement. "This office is confident that our ... policy complies with the highest constitutional and statutory standards."

In addition to filing a lawsuit, the ACLU submitted a state bar complaint against Cooley and called for a civil grand jury investigation as well as the appointment of an independent counsel to review cases that have resulted in convictions since the controversial policies were adopted.

The lawsuit's claims go to the heart of the legal duty that prosecutors have to ensure defendants receive a fair trial by disclosing information favorable to the defense.

The broad outline of the district attorney's policy about what should be disclosed dates to 2002 and has been hailed by some as a model. But others, including many defense attorneys, have criticized its approach.

Tuesday's lawsuit contends that the district attorney's office violates the rights of inmates by preventing prosecutors from disclosing information about law enforcement misconduct complaints and other evidence unless there is "clear and convincing evidence" that the information is true. That is a higher standard required for police departments to discipline or fire officers. Prosecutors in other counties, such as Ventura, do not require such a high standard, the ACLU said.

The suit also claims that the district attorney's office improperly withholds evidence that involves ongoing investigations and requires prosecutors to decide for themselves what evidence would probably affect the outcome of the defendant's case.

Harry Caldwell, a professor at Pepperdine School of Law, examined a copy of the district attorney's policy at the request of The Times and suggested that prosecutors should be advised to more often ask judges whether certain evidence needs to be disclosed.

"Let the judge, that neutral, independent, detached magistrate, make the determination," said Caldwell, a former Riverside and Santa Barbara county prosecutor who now represents inmates on death row.

The lawsuit also takes aim at the way the Sheriff's Department keeps track of inmate complaints against deputies.

The suit cited testimony earlier this year by a sheriff's lieutenant who acknowledged that the department does not keep inmate complaints in the personnel files of the deputies accused of misconduct, requiring officials to hand-search thousands of documents to find complaints against specific jailers.

Jonathan Goodwin was one of four inmates cited in the lawsuit who claim they were beaten by deputies but then falsely accused of being the aggressors and charged with assault. Goodwin's attorney sought evidence of complaints against the deputies involved in the incident but was told none existed, the lawsuit said. Only when she contacted the ACLU did she discover that one of the deputies had been the subject of several excessive force complaints by inmates.

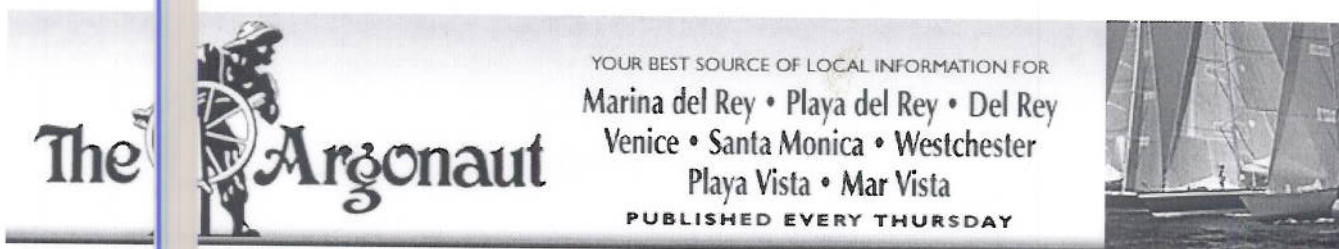
Goodwin was acquitted of assaulting deputies in May, according to the suit.

"I am lucky to be here rather than in jail where there are lots of other people who are not so lucky," he told reporters.

Sheriff's spokesman Steve Whitmore said the department has yet to review the lawsuit but disputed the claim that inmates are beaten and then falsely accused of assault. Assistant County Counsel Roger Granbo declined to discuss the lawsuit's claims but said the Sheriff's Department complied with a subpoena from a defense attorney earlier this year seeking inmate complaints against specific deputies.

"There has never been an attempt by anyone in the Sheriff's Department to hide anything from anybody, especially the court," Granbo said.

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Opposition to community care ordinance grows amid increased scrutiny

By Gary Walker

A controversial Los Angeles city ordinance that would alter the dynamics of lease and rental agreements is facing a wealth of opposition from a variety of nonprofit organizations, neighborhood councils and business groups.

The Community Care Facilities ordinance, a municipal law that is being recommended by City Attorney Carmen Trutanich's office, has faced increased scrutiny over the past several months since the details of the proposed law became available nearly two years ago.

It seeks to redefine the definition of what constitutes a family by creating a law where all tenants living in a rental home must be on one lease and prohibits community care homes, which often include veterans, parolees and recovering addicts, in low-density or residential neighborhoods.

In a May 15 letter, Councilman Mitchell Englander, who represents a portion of the San Fernando Valley, wrote about why he is sponsoring the ordinance.

"The community care ordinance is common-sense legislation that has been developed to address the proliferation of unlicensed homes and boarding facilities, which have had a huge negative impact on single family neighborhoods in my district in the San Fernando Valley and in neighborhoods all across the city of Los Angeles," he wrote.

"There are a great number of these unlicensed, unregulated facilities, most of which are for-profit businesses operating in residential areas."

Local nonprofit organizations like New Directions, a social service agency that provides housing and rehabilitation to homeless veterans, strongly oppose Englander's ordinance and have joined with organizations like the United Way and the Los Angeles Chamber of Commerce to rally against its passage.

"New Directions is very concerned about the impact of the proposed Community Care Facilities ordinance in its current draft form, and we oppose it," said Young, who wrote in an email.

"The ordinance, if passed, will increase homelessness, making it illegal for unrelated individuals to share a residential home unless they are all under one comprehensive lease."

New Directions operates a facility for veterans from the Iraq and Afghanistan wars in Del Rey called Chris' Place and residences in Mar Vista for female veterans called Mitchell House and Keaveney House.

"Chris' Place will become illegal under this ordinance, for example, because the men who live there are unrelated, and each has his own individual agreement, because each is working toward his goals of reintegration into the community at his own pace," Young explained. "These veterans won't all get jobs on the same day, nor find their own apartments on the same day, or finish college or job training on the same day."

"So a single lease would not work."

Englander believes the ordinance is necessary because of what he says are certain behaviors that have occurred in some of the neighborhoods in his Valley constituents live.

"This is not a situation looking for a problem. This ordinance is in response to families and neighborhoods in crisis who have been unable to enjoy the peace and quiet of their own homes," he wrote. "Many of them will not even allow their children to play outside on their street because there are large groups of rowdy people loitering, drinking and smoking, using vulgar language, and harassing neighbors who dare to ask them to be respectful."



WE ARE FAMILY- Female veterans at Mitchell House in Mar Vista will be displaced if the proposed community care ordinance is passed, says an executive from New Directions, which advocates on behalf of homeless veterans. From left to right: An unidentified resident, Lillian H, Veronica O and residential manager Kim Andreason. Photo by Gary Walker

The Westside Regional Alliance of Councils, which is comprised of 12 neighborhood councils, supported the ordinance in a Feb. 7, 2011 letter.

"We feel that issues addressed in this motion are not only of vital importance to the Westside, but also necessarily concern all of Los Angeles, which does not break down conveniently by district lines," wrote WRAC President Mike Newhouse. "As such we would appreciate a thoughtful response from each of you with respect to your positions on this issue."

The Mar Vista Community Council, Neighborhood Council of Westchester-Playa and the Del Rey Neighborhood Council have each voted to back the ordinance.

Mar Vista Community Council Chair Sharon Commins voted with her board two years ago but says, "over the past two years, significant land use policy issues have surfaced, and I now have more questions than answers."

Some of the questions she has pertain to land use. "What is the long term environmental impact to density, traffic, infrastructure, and services where density zones are tacitly redefined as affordable housing opportunities on a room by room rental basis?" Commins asked.

"Does not such redefinition represent an un-vetted change of zone, which permits laissez faire operation of commercial housing entities, including corporations and not for profits, in low density zones? It is a major housing policy shift, so where is the environmental review?"

The Venice Neighborhood Council voted unanimously 15-0 to oppose the ordinance June 19. The local board postponed a vote last year after its Land Use and Planning Committee brought a motion to oppose it.

Karen Wolfe, who was a member of the committee that brought the original motion to the local council, was delighted with the vote. "This is a very important issue," said Wolfe, who is no longer on the committee. "There are so many people affected by this ordinance than are at first glance."

Other neighborhood councils, including the Palms council, have recently voted to oppose the ordinance, say opponents of the proposed law.

Like other service providers and nonprofit operators have noted, Wolfe mentioned veterans, disabled adults and seniors as some of the groups of people who could be displaced if the ordinance passes.

"If these people are going to be able to live a semi-independent life, they are going to have to be able to live together," said Wolfe, who works in the home healthcare industry. "This ordinance will impact virtually everyone who does not have a stereotypical 1950s family."

Englander's colleague, Bill Rosendahl, says he agrees with sanctioning anyone who is in violation of the municipal code, but thinks that the proposed ordinance has too many far-reaching consequences.

"We have to come up with a different strategy for all of these people who will be affected," he said. "As far as I'm concerned, the ordinance in its present form is unacceptable to me."

At the Venice meeting, a representative from the Inner City Law Center presented documents showing dozens of legal organizations as well as social service agencies that have come out against the ordinance.

In his letter, Englander disputes the notion that groups such as Chris' Place will be harmed.

"The ordinance was very carefully and specifically crafted so that it doesn't single out or discriminate against any groups, and it will not ban licensed group homes. In fact, with this new ordinance and updated definitions, people with disabilities, veterans, those living in poverty, and people afflicted by substance addiction and mental illness, will have better opportunities for housing in safe, protected and healthy living conditions," he asserted.

"The ordinance will help ensure that they can seek the services and support that they need without being exposed to squalid living conditions."

Rosendahl says the city has remedies that are available for problematic tenants and homeowners through nuisance abatement. "I believe in dealing with nuisance issues, but I'm not ready to throw the baby out with the bath water," he said.

Wolfe feels that attorneys who are presenting the law have not answered questions regarding how residents from places like Mitchell House as well as others will be affected. "It's important that the council be able to get answers to those questions that have been raised," she said.

Rosendahl, who served as a psychiatric counselor during the Vietnam War, said his office has never received complaints from any families.

"As a veteran, I understand what war does to people," he said. "There's tremendous fear and ignorance about these types of homes, but when others identify how well they're connected to the community, the connection begins to happen."

Frank Mateljan, spokesman for Trutanich, was unsure when the ordinance would be heard by the City Council.

"It has subsequently passed out of committee and is pending a vote by the full City Council," he said. "The timing of that vote is entirely in the view of the council to schedule."

Trutanich and senior staff came to the Venice meeting but were not asked about the Community Care Facilities ordinance.